

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**LONNIE ARTHALONEY,**

**Defendant.**

**8:18CR127**

**MEMORANDUM AND ORDER**

This matter is before the Court on the Defendant's "Motion for Resentencing 3582(c)(1)(A)," ECF No. 163. The Defendant seeks a reduction of his sentence pursuant to 18 U.S.C. § 3582(c)(1)(A) as amended by Section 603 of the First Step Act, Pub. L. No. 115-391, 132 Stat. 5194 (2018), affording him immediate release from custody.

In Section 603 of the First Step Act, Congress amended 18 U.S.C. § 3582(c)(1)(A) to permit defendants to move a sentencing court for compassionate release "after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier."

The Defendant acknowledges that he has not exhausted any administrative remedies within the Bureau of Prisons, and he argues that such exhaustion should be unnecessary in emergency situations. He notes that he has diabetes, depression, anxiety, post-traumatic stress disorder, and a history of heart disease, liver disease, and smoking. He expresses concern about the potential spread of the corona virus.

The Defendant was sentenced on August 12, 2019, to a term of 36 months incarceration. At this time, he has served a small percentage of his sentence. The Court

will not entertain the Defendant's request for compassionate release until his administrative remedies have been exhausted. Accordingly,

IT IS ORDERED:

1. The Defendant's "Motion for Resentencing 3582(c)(1)(A)," ECF No. 163, is denied without prejudice to resubmission following exhaustion of administrative remedies; and
2. The Clerk will mail a copy of this Memorandum and Order to the Defendant at his last known address.

Dated this 4<sup>th</sup> day of May 2020.

BY THE COURT:

s/Laurie Smith Camp  
Senior United States District Judge